No. 88-1320

Supreme Court, U.S.
FILED
MAR 8 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1988

ALAN GREGORY M.L.V. WONDERWHEEL
and JOHN R. WEBER
Petitioners,

v.

VELDA G. BRADY, ARTHUR L. BECKTOLD
and JOSEPH BECKTOLD.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION ONE

James Reyer
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Counsel for Petitioners

No. 88-1320

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SUPREME COURT OF THE UNITED STATES

October Term, 1988

ALAN GREGORY M.L.V. WONDERWHEEL
and JOHN R. WEBER,

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SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

TO THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT
DIVISION ONE

The single transcript page documenting the item scheduled for hearing on September 5, 1986, was overlooked in the preparation of the Petition for Writ of Certiorari in the above-mentioned case, filed on February 3, 1989, and docketed by this Court on February 6,

1989 (the "Petition"). Page 15 and page 50 of the Petition are hereby amended in their entirety to read as follows, respectively:

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thought between stated legal principles and factual context, that is employed in the Decision.

The record shows that there were no arguments offered at the abbreviated meeting on September 5, as the item succumbed to submission on the pleadings. The record does show, however, that the Decision was signed by the trial court signature on September 9, 1986. There was one change, however, in the Decision before it was signed: the word "proposed" in the title "amended proposed statement of decision" was lined out. The use of the term "amended" in the title of the Decision should not be confused with the amending of the Decision after the scheduled hearing, but is an apparent reference to the amending of the proposed statement of decision submitted by Stoen on July 18, 1986 before Petitioners, on July 21 and

Atty Gen., 205 U.S. 459, 464-465 (1906) (Justice Harlan dissenting) and Gryger v. Burke, 334 U.S. 728, 732-736 (1947) (Justices Rutledge, Black, Douglas and Murphy dissenting).

The relation of a state judge to the Constitution of the United States under Article VI of that Constitution mandates a clear constitutional framework of Due Process standards for ensuring that judge's place in an independent and neutral state judiciary, and is as constitutionally significant as the place of a federal judge in an independent and neutral federal judiciary. The limits of judicial discretion in delegating the exercise of judicial authority to forces outside the judiciary through an easy and convenient signature given to an eager and zealous attorney manipulating the judge's inattention to the record should not be protected by the legal fiction that the decision, even

In addition, the minute order on amended tentative decision, dated September 9, 1986, was inadvertently omitted from the Appendix to the Petition (the "Petition Appendix"). The Petition Appendix is hereby supplemented with the Supplemental Appendix, including therein the minute order on amended tentative decision, dated September 9, 1986.

Respectfully submitted,

JAMES REYER

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Counsel for Petitioners

SUPPLEMENTAL APPENDIX

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MENDOCINO

DATE: September 9, 1986

VELDA G. BRADY, Plaintiff,	)	
vs.	)	No. 50813
JOHN R. WEBER, et al., Defendant.	)	

MINUTE ORDER ON AMENDED TENTATIVE DECISION

The tentative decision is amended to provide, based on the evidence, that the ownership in the property is found to be ARTHUR L. BECKTOLD: 3/4; Defendant GREGORY M. L. V. WONDERWHEEL: 1/6; JOHN R. WEBER: 1/12. The objections to the amended proposed statement of decision are overruled and that amended statement of decision is signed this date.

Copies to counsel: September 11, 1986.

Timothy Stoen
David Riemenschneider

ABB
(Initials)

PROOF OF SERVICE BY MAIL

The undersigned, Carol Spooner, acting for Petitioners herein, hereby certifies that on Monday, February 27, 1989, she served the foregoing Supplement To Petition for Writ of Certiorari on all parties to this petition, by mailing copies thereof by ordinary mail, postage prepaid, addressed to their attorneys, as follows:

Three (3) copies to:

Timothy O. Stoen
Attorney at Law
601 Van Ness Ave., Suite 322
San Francisco, California 94102

Attorney for Velda G. Brady, Arthur Becktold and Joseph Becktold

One (1) copy to:

Department of Justice
Office of the Attorney General
P. O. Box 944255
Sacramento, California 94244-2550

Dated: February 27, 1989

Carol Spooner
72 Charles Street
Cotati, California
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